



Entered on Docket  
January 06, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**DIAMOND MCCARTHY LLP**

909 Fannin, Suite 1500  
Houston, Texas 77010  
Telephone (713) 333-5100  
Facsimile (713) 333-5199

Allan B. Diamond, TX State Bar No. 05801800  
Email: [adiamond@diamondmccarthy.com](mailto:adiamond@diamondmccarthy.com)  
J. Maxwell Beatty, TX State Bar No. 24051740  
Email: [jbeatty@diamondmccarthy.com](mailto:jbeatty@diamondmccarthy.com)

**SPECIAL LITIGATION COUNSEL FOR THE  
USACM LIQUIDATING TRUST**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-  
06-10725 LBR

**ORDER SUSTAINING OBJECTION OF  
USACM LIQUIDATING TRUST TO  
PROOF OF CLAIM OF  
COMMUNITY BANK OF NEVADA**

Date of Hearing: December 18, 2009  
Time of Hearing: 1:30 p.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the Objection of the USACM Liquidating Trust to Proof of  
2 Claim of Community Bank of Nevada (the "Objection") [Dkt. No. 7174]; the Court having heard  
3 the Objection on December 18, 2009; appropriate notice of the Objection having been given; no  
4 response to the Objection having been filed; and good cause appearing:

5 **IT IS ORDERED:**

- 6 1. The Objection is sustained; and  
7 2. Proof of Claim No. 10725-00516 filed by Community Bank of Nevada  
8 ("Community Bank") is disallowed in its entirety.

9  
10 **PREPARED AND SUBMITTED BY:**

11 **DIAMOND MCCARTHY LLP**

12 By: /s/ J. Maxwell Beatty  
13 Allan B. Diamond, TX 05801800 (pro hac vice)  
14 J. Maxwell Beatty, TX 24051740 (pro hac vice)  
15 909 Fannin, Suite 1500  
16 Houston, Texas 77010  
17 (713) 333-5100 (telephone)  
(713) 333-5199 (facsimile)  
Special Litigation Counsel for  
USACM Liquidating Trust

CERTIFICATION PURSUANT TO L.R. 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

August Landis, U.S. Trustee

Approved August Landis, UST

DATED: December 28, 2009

/s/ J. Maxwell Beatty

J. Maxwell Beatty

###